

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION**

REGENERON PHARMACEUTICALS, INC.,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC., and
BIOCON BIOLOGICS INC.,

Defendant.

Case No. 1:22-cv-00061-TSK

JURY TRIAL DEMANDED

JOINT STIPULATION REGARDING COMMERCIAL SUCCESS

Whereas, Plaintiff Regeneron Pharmaceuticals, Inc. (“Regeneron”) agrees that it will not assert at the June 2023 trial in this action the commercial or financial success of EYLEA as an objective indicium of non-obviousness, or in support of any other claim or defense in this June 2023 trial in this action pertaining to invention(s) claimed in any of Claims 11 or 19 of U.S. Patent No. 10,888,601; Claims 4, 7, 9, 11, or 14-17 of U.S. Patent No. 11,084,865; or Claims 6 or 25 of U.S. Patent No. 11,253,572, or claims that they depend upon;

Regeneron and Defendants Mylan Pharmaceuticals Inc. and Biocon Biologics Inc. (collectively, the “Parties”) hereby stipulate and agree as follows:

1. No Party will call Dr. Richard Manning as a witness, whether in-person or by deposition designation, at the June 2023 trial in this action concerning the above-identified claims; and

2. No Party will call Mr. Ivan T. Hofmann as a witness, whether in-person or by deposition designation, at the June 2023 trial in this action concerning the above-identified claims.

Date: June 22, 2023

Respectfully submitted,

Of Counsel:

CAREY DOUGLAS KESSLER & RUBY, PLLC

David I. Berl (admitted *PHV*)
Ellen E. Oberwetter (admitted *PHV*)
Thomas S. Fletcher (admitted *PHV*)
Andrew V. Trask (admitted *PHV*)
Teagan J. Gregory (admitted *PHV*)
Shaun P. Mahaffy (admitted *PHV*)
Sean M. Douglass (admitted *PHV*)
Kathryn S. Kayali (admitted *PHV*)
Arthur J. Argall III (admitted *PHV*)
Adam Pan (admitted *PHV*)
Nicholas Jordan (admitted *PHV*)
Haylee Bernal Anderson (admitted *PHV*)
Renee Griffin (admitted *PHV*)
Rebecca Carter (admitted *PHV*)
WILLIAMS & CONNOLLY LLP
680 Maine Avenue, SW
Washington, DC 20024
(202) 434-5000
dberl@wc.com
eoberwetter@wc.com
tfletcher@wc.com
atrask@wc.com
tgregory@wc.com
smahaffy@wc.com
sdouglass@wc.com
kkayali@wc.com
aargall@wc.com
apan@wc.com
njordan@wc.com
handerson@wc.com
rgriffin@wc.com
rebeccacarter@wc.com

/s/ David R. Pogue
Steven R. Ruby (WVSB No. 10752)
David R. Pogue (WVSB No. 10806)
707 Virginia Street East
901 Chase Tower (25301)
P.O. Box 913
Charleston, West Virginia 25323
(304) 345-1234
sruby@cdkrlaw.com
drpogue@cdkrlaw.com

Andrew E. Goldsmith (admitted *PHV*)
Evan T. Leo (admitted *PHV*)
Jacob E. Hartman (admitted *PHV*)
Grace W. Knofczynski (admitted *PHV*)
Mary Charlotte Y. Carroll (admitted *PHV*)
Sven E. Henningson (admitted *PHV*)
KELLOGG, HANSEN, TODD, FIGEL &
FREDERICK, P.L.L.C.
1615 M Street, NW, Suite 400
Washington, DC 20036
TEL: (202) 326-7900
agoldsmith@kellogghansen.com
eleo@kellogghansen.com
jhartman@kellogghansen.com
gknofczynski@kellogghansen.com
mcarroll@kellogghansen.com
shenningson@kellogghansen.com

Counsel for Plaintiff Regeneron Pharmaceuticals, Inc.

Dated: June 22, 2023

STEPTOE & JOHNSON PLLC

Of Counsel (admitted pro hac vice):

William A. Rakoczy
Deanne M. Mazzochi
Heinz J. Salmen
Eric R. Hunt
Jeff A. Marx
Neil B. McLaughlin
Lauren M. Lesko
L. Scott Beall
Thomas H. Ehrich
Steven J. Birkos
Katie A. Boda
Abraham J. Varon
Jake R. Ritthamel
RAKOCZY MOLINO MAZZOCHI SIWIK LLP
6 W. Hubbard St., Suite 500
Chicago, IL 60654
(312) 527-2157
wrakoczy@rmmslegal.com
dmazzochi@rmmslegal.com
hsalmen@rmmslegal.com
ehunt@rmmslegal.com
jmarx@rmmslegal.com
nmclaughlin@rmmslegal.com
llesko@rmmslegal.com
sbeall@rmmslegal.com
tehrich@rmmslegal.com
sbirkos@rmmslegal.com
kboda@rmmslegal.com
avaron@rmmslegal.com
jritthamel@rmmslegal.com

/s/ William J. O'Brien

Gordon H. Copland (WVSB #828)
William J. O'Brien (WVSB #10549)
400 White Oaks Boulevard
Bridgeport, WV 26330
(304) 933-8162
gordon.copland@steptoe-johnson.com
william.obrien@steptoe-johnson.com

*Counsel for Defendant
Mylan Pharmaceuticals Inc.*

Having reviewed the parties' stipulation, the provisions thereof are APPROVED and it is
SO ORDERED.

DATED: _____

THOMAS S. KLEEH, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA

CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2023, I electronically filed the foregoing with the Clerk of the Court by using the Court's CM/ECF system. Counsel of record for all parties will be served by the Court's CM/ECF system.

/s/ David R. Pogue

David R. Pogue (WVSB No. 10806)